

**SPECIAL SENATE INVESTIGATION ON CHARGES
AND COUNTERCHARGES INVOLVING: SECRETARY OF THE ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN, AND FRANCIS P. CARR**

HEARING
BEFORE THE
SPECIAL SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
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HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN,
AND FRANCIS P. CARR

WEDNESDAY, MAY 26, 1954

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

The subcommittee met at 10:10 a. m., pursuant to recess, in the caucus room of the Senate Office Building, Senator Karl E. Mundt, (chairman) presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; Ruth Y. Watt, chief clerk.

Principal participants present: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Francis P. Carr, executive director of the subcommittee; Joseph N. Welch, special counsel for the Army; James D. St. Clair, special counsel for the Army; and Frederick P. Bryan, counsel to H. Struve Hensel, Assistant Secretary of Defense.

Senator MUNDT. The committee will please come to order.

The Chair would like to begin by welcoming the guests who have come to the committee room, and to admonish them concerning a standing committee rule which we are enforcing vigorously.

I would like to call to the attention of our guests in the rear of the room, therefore, the fact that we have a standing committee order against any audible manifestations of approval or disapproval of any kind at any time during these hearings. The uniformed officers who are in the room and the plainclothes men scattered among you have orders from the committee to immediately and politely escort from the room without further notice from the Chair any of our guests who choose to violate the conditions under which you entered the room, namely, to refrain from any manifestations of approval or disapproval.

I hope that we will continue to have the splendid cooperation in the audience which we have enjoyed throughout these protracted hearings.

As we had concluded the last witness, we were hearing some of the collateral witnesses in the presentation of the Army's side of this controversy.

Counsel Jenkins, I understand there are additional witnesses to be heard in the presentation of the position of Mr. Stevens and Mr. Adams, and I will ask you therefore to call the next witness.

Mr. JENKINS. Mr. Chairman, I should like at this time to call Captain Miller.

Senator MUNDT. Are you Captain Miller?

Captain MILLER. Yes, sir; I am.

Senator MUNDT. Will you stand and be sworn. Do you solemnly swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Captain MILLER. I do, sir.

**TESTIMONY OF CAPT. JOSEPH J. M. MILLER, ACCOMPANIED BY
LT. GEORGE S. MEISSNER**

Senator MUNDT. You may be seated.

Mr. JENKINS. Subject to your approval, Mr. Chairman, I should like Mr. Charles Maner to examine Captain Miller.

Senator MUNDT. That is quite all right. We are happy to have Mr. Maner back with us.

Mr. MANER. Mr. Chairman.

Senator MUNDT. Mr. Maner, you may proceed with the interrogation of Captain Miller.

Captain Miller, will you state, please, your full name, your rank, and your present assignment?

Captain MILLER. I am Capt. Joseph J. M. Miller. I am the commander of K Company, the 272d Infantry, which was formerly the 47th when Private Schine was with my company.

Mr. MANER. You were company commander in November of 1953, sir?

Captain MILLER. Yes, sir, I was.

Mr. MANER. State when you first learned that Private Schine would be assigned to your company.

Captain MILLER. I was first informed that Private Schine would be a member of my company on November 19, 1953, when I was called to the office of my regimental commander, together with various other officers of the regiment. I was informed that Private Schine was to be a member of my company for basic training, and that Private Schine was still completing some work for the Senate Permanent Subcommittee on Investigations, and that I would be called upon to give Private Schine passes at various times to do this work.

I was further informed that I was not of my own authority authorized to give Private Schine these passes, but that the authority would be communicated to me through channels, and that when such authority was communicated to me I was to make Private Schine available for this work.

Mr. MANER. That information was all given to you by your regimental commander?

Captain MILLER. Yes, sir, it was.

Mr. MANER. Who was your regimental commander at that time?

Captain MILLER. Col. Earl L. Ringler.

Mr. MANER. That occurred on the 19th of November. Then when did you first see Private Schine?

Captain MILLER. I first saw Private Schine shortly after lunch when the trainees were brought to Company K from the reception center.

Mr. MANER. Was that also on the 19th of November, sir?

Captain MILLER. Yes, sir, it was.

Mr. MANER. Did you discuss the matter of passes then with Private Schine at that time?

Captain MILLER. Yes, sir, I did. As soon as the company was formed in platoons, I went out to inspect the operation and had Private Schine sent to me. I told him to report to the orderly room, and when I came in, to report to me in my office. There I discussed with Private Schine the fact that I was apprised of the necessity of having Private Schine available for frequent passes to complete committee work which was then in process. I told him that I was not of my own authority to give him these passes, but that such authority would be communicated to me through channels, and that whenever Private Schine was to go on pass I would make him immediately available. I emphasized that it was not my authority to grant him passes during the first 4 weeks of basic training.

Mr. MANER. Was it on this occasion, Captain Miller, that Private Schine made some offers to you about some personal assistance that he could render you?

Captain MILLER. No, sir; it was not. Later in the afternoon—

Mr. MANER. Tell about that occasion, then, if you will, Captain Miller.

Captain MILLER. Yes, sir; that occasion occurred later in the afternoon. When I was passing through the barracks to see how the trainees were coming along with their housekeeping accommodations, I passed through the 3d platoon where Private Schine was assigned, and upon passing through the lower floor, Private Schine was at his bunk, getting his things in order, and because I had been notified that Private Schine was to go on pass that day, I inquired to see how he was coming along with his arrangement of his bunk area and getting his equipment in order, so that his pass for the weekend would not interfere with the commencement of training on Monday morning. During this conversation, Private Schine asked me or told me, rather, that if I ever wanted to make a little trip to Florida, that he knew a Colonel Bradley, but here I cut him off in the middle of the sentence.

Mr. MANER. Did he state who Colonel Bradley was?

Captain MILLER. Sir, at that time I didn't know who Colonel Bradley was, but because of the remark I made inquiries to find out who this Colonel Bradley could possibly be and whether he was assigned to the post. I didn't learn until 2 months later that Colonel Bradley was actually of McGuire Air Force Base.

Mr. MANER. Go ahead and describe the incident further.

Captain MILLER. Further than that, I told Private Schine that it was improper for officers to accept any kind of favors or any kind of gifts from trainees or enlisted persons because it would put them in a

bad position as far as their enforcement of discipline; it would compromise their position as officers in the Army.

Mr. MANER. Were there other incidents when Private Schine approached you with similar offers of assistance?

Captain MILLER. No, sir; there were not. And this offer of assistance was the only occasion. I felt at that time that an admonition, a reminder, that it wasn't proper for officers to accept favors of this type was sufficient, and there was never a recurrence.

Mr. MANER. Have you ever had other privates in your command offer favors to you?

Captain MILLER. No; I have not, sir.

Mr. MANER. I will ask you if, during the time Private Schine was in your command, you granted him any preferential treatment, disregarding the passes? All those passes were issued on orders from higher authority, were they not?

Captain MILLER. No, sir. That bears some explanation. All of the passes were not issued on orders of higher authority. I granted three passes of my own authority by company policy.

Mr. MANER. Those are passes which are granted to all trainees; is that correct?

Captain MILLER. Yes, sir; they are, on various merits.

Mr. MANER. But other than those three passes, all passes were granted on orders from higher authority, were they not?

Captain MILLER. Yes, sir, they were.

Mr. MANER. Now, other than the granting of those passes, which were granted on orders from higher authority, did Private Schine receive any preferential treatment while he was in your command?

Captain MILLER. No, sir. To my knowledge, Private Schine received no preferential treatment other than that necessary to make him available for this committee business.

Mr. MANER. There have been some allegations about his riding to the rifle range in the cab of trucks and some other things. Do you know anything about those allegations?

Captain MILLER. I know, sir, of some of those allegations because I personally participated in them, in the incidents.

Mr. MANER. With which instance are you familiar, then, Captain Miller?

Captain MILLER. It would be necessary for you to mention the incident, sir, and then I could go into them. However, much of the material in those allegations came to light after the training cycle was finished and because of certain reports to newspapers by trainees in the company. They included information which would not ordinarily be available to me unless it were reported.

Mr. MANER. You do not personally supervise the training; is that correct?

Captain MILLER. I am responsible for the training in the company. However, I have 250 men, sir, and I have the overall responsibility. It is, however, delegated.

Mr. MANER. The actual training is in the hands of a platoon sergeant; is that correct?

Captain MILLER. Platoon sergeant, I had a platoon officer with me, and there are also instructors provided by the regiment, who also aid in the training.

Mr. MANER. The allegation in particular that Private Schine rode to the rifle range when other trainees were walking; do you know anything about that?

Captain MILLER. Yes, sir. On the morning of December 14, I had sent the rest of the trainees out to the range on the available transportation, 2½-ton trucks. After signing the morning reports, about 6:30 in the morning, I proceeded to go to the range myself. When I passed the mess hall there was one of my trucks parked with the motor running. This was unusual, because I had directed that the transportation was to return directly to the motor pool upon completing the transfer of the trainees from the company area to the range.

I went around to the driver's side of the truck to admonish the driver for not returning directly to the motor pool. I did so, and then noticed that there was another soldier sitting in the truck on the other side. I looked through the truck and saw that it was Private Schine. I thereupon asked Private Schine what he was doing riding back and forth from the range in the truck while the rest of his trainees, fellow trainees, were at the range being formed to firing orders, preparing to fire.

I was especially annoyed that morning because it was raining heavily.

Mr. COHN. Mr. Chairman, just a brief point, if I may.

Senator MUNDT. A point of order?

Mr. COHN. Yes, sir; I missed a little bit here. Do I understand Captain Miller to be testifying about some incident of preferential treatment or some request made by myself, Senator McCarthy, or Mr. Carr or anyone connected with the committee, and bearing on the proceedings being held here in this room? I didn't understand that.

Mr. MANER. Mr. Chairman, we expect to show later whether or not that was as a result of any request.

Mr. COHN. I wonder, Mr. Maner, if you can inquire of Captain Miller whether or not he ever met Senator McCarthy, myself, or Mr. Carr, or anyone from the committee staff, and whether or not he ever received any request from any of us to do anything for Private Schine.

Mr. MANER. I have every intention to do that in time.

Senator MUNDT. That will be done. The Chair believes that the committee is not particularly interested in any preferential treatment for Private Schine that might have originated with the Army. We are interested in any which might have originated as a result of a committee request.

Mr. MANER. Will you proceed, Captain Miller?

Captain MILLER. I believe that I was at the portion of the incident where I was asking Private Schine what he was doing riding back and forth from the range in the truck. Private Schine thereupon told me that he was studying logistics. That comment was—

Senator MCCARTHY. Mr. Chairman.

Senator MUNDT. Have you a point of order?

Senator MCCARTHY. I have a point of something. I understand this witness would be called—this may be very funny, and it may be a good show whether Schine rode in the cab or the back of the truck. Unless this has something to do with a request for special privilege, it is completely improper. May I say if this witness goes on and con-

tinues to testify about whether Schine rode in the cab or the back of a truck and conversations he has had with him, it will mean if we are going into those issues that I will have to call a number of officers to show the animosity, the personal dislike between this witness and Mr. Schine. If he sticks to the issues, I won't have to do that. He is not sticking to the issues now. As I say, it may be funny. It may be a good show, but I would suggest to the chairman that the Chair has got to decide what is relevant and what is not.

Senator MUNDT. Associate counsel, Mr. Cohn, before you came in, raised the same point, and the Chair stated, and the counsel stated, that they are going to prove by interrogatories whether or not this is relevant, whether it occurred, and whether or not it resulted from anything suggested by members of your committee.

Senator McCARTHY. Mr. Chairman, the Chair has asked me, and I have acceded in shortening my examination of witnesses and cutting down our witnesses to a very minimum, with the understanding, of course, that we would stick to the issues. The Chair has a heavy duty here, and that is to determine first whether or not the man is testifying to anything relevant.

Mr. Chairman, unless Mr. Cohn or myself or Mr. Carr or someone connected with us asked that Mr. Schine study logistics or ride in the cab on a rainy day or complain about the cold, it is just a complete waste of time, and it will mean if we are going into those irrelevant matters we can't let them stand. We will have to call witnesses on the other side to prove why the colonel is here. That is all.

Senator MUNDT. Counsel is going to proceed and demonstrate whether this is relevant or not. The counsel has to ask these questions in his own way.

Mr. Maner?

Mr. MANER. Proceed, Captain Miller.

Mr. COHN. May I ask this again, sir? I think we can save a lot of time. Could Mr. Maner ask first—

Senator MUNDT. The Chair believes Mr. Maner has a right to ask the questions in the manner he thinks best.

Mr. COHN. May I ask a question on the point of relevancy and materiality? Is that a proper point of order?

Senator MUNDT. It may be made during the course of the interrogatories, and if it is not made you may bring it up at that time.

Senator McCARTHY. I am spending this time not only on this witness but on other witnesses who I assume will be called. I think rather than spend 2 hours, and then ask whether or not the material is relevant, and then ask whether or not it was as a result of acts on the part of this committee, I think the Chair should determine that to begin with.

Senator MUNDT. There is no question in the Chair's mind up to this point that the discussion of a cab ride is relevant, because it was discussed both by your side of the table and the other many times up to now. We are trying to determine the facts as to relevancy at this point.

Senator McCARTHY. Mr. Chairman, this is the last. I do think the Chair should, to begin with, before he spends an hour with the witness, find out whether or not there were any requests from any member of this committee to the colonel, to the captain. If not, this is completely irrelevant. If you want to spend 2 hours first and then find out it is irrelevant, go right ahead.

Senator MUNDT. We will try to do it in less than 2 hours.

Mr. MANER?

Mr. MANER. I promise it will be less than 2 hours.

Captain MILLER, will you proceed?

Captain MILLER. I believe I asked Private Schine what he was doing in the cab of the truck, and Private Schine said he was studying logistics. I asked Private Schine how he presumed to study logistics while the rest of the trainees were out on the range being formed into firing order, preparing to fire. I instructed the driver to take Private Schine immediately to the range and then return to the motor pool.

Mr. MANER. Was that done, sir?

Captain MILLER. Yes, sir; that was done.

Mr. MANER. Did you ever have any contact whatever, personally, by telephone or otherwise, either with Senator McCarthy or any member of his staff?

Captain MILLER. No, sir; I did not.

Mr. MANER. Did you ever see them other than here in this room?

Captain MILLER. No, sir.

Mr. MANER. That includes Senator McCarthy and Mr. Cohn and Mr. Carr and the other members of the staff?

Captain MILLER. Yes, sir.

Mr. MANER. Did any one of those gentlemen ever ask you, directly or indirectly, for any type of preferential treatment for Private Schine?

Captain MILLER. No, sir.

Mr. MANER. Did you ever grant any preferential treatment to Private Schine?

Captain MILLER. I believe that question was asked previously, and I stated that in making Private Schine available for committee business—

Mr. MANER. Disregarding making him available for committee business, did you ever grant him any special privileges of any kind?

Captain MILLER. No, sir; I did not.

Mr. MANER. Did you ever grant any trainee any special privileges?

Captain MILLER. No, sir; I did not.

Mr. MANER. Do you know anything else that occurred up there that would have any bearing on the issues in controversy here?

Captain MILLER. I would be prepared to answer any questions put by members of the committee, but I am not a judge as to the relevancy of any of the material which I may present this morning, sir.

Mr. MANER. On this occasion you were describing when you found him in the cab of the truck, did he make any statement to you as to what his purposes were at Fort Dix other than to state that he was studying logistics?

Captain MILLER. No, sir. That occurred later in the morning.

Mr. MANER. On the same day?

Captain MILLER. Yes, sir.

Mr. MANER. Describe that incident, Captain Miller.

Captain MILLER. When I arrived at the range after having sent Private Schine out on the truck, I found that Private Schine was discussing something with the field first sergeant. I came up to them and determined that Private Schine was trying to get placed in an earlier firing order so that he might be finished early. It was not apparent to me at that time that there was any particular reason for this because no authority for a pass for that evening was then com-

municated to me, and unless it were there would be no reason for giving Private Schine any preference in the handling of his training for the day.

I had further advised Private Schine upon his first day in the company that he was to ask no favors from the cadre of the company because they were authorized to grant him no favors. I wanted to take that responsibility myself.

I had further advised the cadre at the meeting on the first day that they were to do nothing for Private Schine in the way of favors but were to refer all his requests to me.

Therefore, the field first sergeant was being compromised on that morning.

I told Private Schine that he should not have approached the field first sergeant for any favors because both he and the sergeant knew that nothing was to be done without my authority. I was admonishing him for this, and he asked me if it might not be possible to lower my voice. I must admit that I was angry at the time. I continued to admonish Private Schine, and he put his hand on my shoulder in an attempt to draw me aside. I pushed his hand away. However, since the rest of the troop were preparing to march up to the firing line I stepped aside with Private Schine. He thereupon told me that our relations had been good up to this time and that he enjoyed being with the company, and that he did not like to have instances of the kind occur that happened earlier in the morning and had just happened, that they were embarrassing to him.

He told me that he would like us to have good relations in the future.

He thereupon told me that it was his purpose to remake the American Military Establishment along modern lines. He elaborated somewhat on this item, but I largely ignored the conversation. It seemed a little ridiculous to me.

I told Private Schine to close the discussion, that he could only keep our relations good in the future by following my orders and policies in the company.

Mr. MANER. Did he state from whom he had authority to modernize the Army?

Captain MILLER. No, sir; I didn't inquire along this line.

Mr. MANER. Did you ever, other than to grant Private Schine passes when they were authorized from higher authority, relieve him from duty that he was to perform, either in training or other than training?

Captain MILLER. Would you please repeat that question, sir?

Mr. MANER. Other than to grant him these passes which you were authorized by higher authority to grant, did you ever relieve Private Schine from any duty of any kind, k. p. duty or any other duty?

Captain MILLER. There were two incidents of this type. The first instance was on the 8th of December. Private Schine was on k. p. and had to be relieved from k. p. at 1 o'clock in the afternoon for the purpose of attending a makeup class on troop information program.

Mr. MANER. That was in connection with his training, however, was it not?

Captain MILLER. Yes, it was.

Mr. MANER. And it was necessary for him to make up that training which he had missed?

Captain MILLER. Yes, sir, it was.

Mr. MANER. Other than that, did you ever relieve him from k. p. or any other duty that he was required to perform at Fort Dix?

Captain MILLER. An incident occurred on the 10th of January which was a result of an inadvertent administrative error within the company. Private Schine was scheduled for KP on the 10th of January, and because I intended to be absent that weekend, and because it may be possible for Private Schine to receive a pass that weekend as he had received one on each other weekend, I had prepared an order which would place the next most available man on KP on Sunday in the event Private Schine was relieved. This, I am sorry to say, was inadvertently posted on the bulletin board and resulted in some confusion on Sunday, in which it was necessary for the regimental commander to grant Private Schine a pass, and relieve him from the KP detail.

Mr. MANER. You do not regard either of those instances as constituting preferential treatment, do you, Captain?

Captain MILLER. No, sir; I do not.

Mr. MANER. Did you ever relieve him from anything that he was supposed to do in connection with his training? In other words, did he go through the same training as every other soldier at Fort Dix?

Captain MILLER. Private Schine completed all the prescribed training necessary to make a well-rounded soldier during the first 8 weeks of training.

Mr. MANER. Is there anything else you know concerning Private Schine's tour of duty at Fort Dix that has any bearing here?

Captain MILLER. No, sir; there is not.

Mr. MANER. That is all, Mr. Chairman.

Senator MUNDT. Captain Miller, I want to recapitulate with you, if I can, the relevant portions of your testimony. I am not just sure why Mr. Welch asked that you be called as a witness unless it is to show that preferential treatment was accorded to Private Schine at the insistence or under the threats of Senator McCarthy or Mr. Cohn or Mr. Carr, because quite obviously, this committee is not interested in any preferential treatment which might have been given to any of the thirty-thousand-odd privates at Fort Dix, because of errors in judgment on the part of the Army. If it is a confession of error, that is not of our concern. We are not investigating the Army. If the Army made some mistakes in its accounting system, or system of records, if it made some mistakes about letting people ride in the cabs of trucks, those are not the concern of this committee unless you can show, and those are the questions I am going to ask you, that those concessions occurred because the Army was afraid of Senator McCarthy and his staff, or that the Army had been ordered to do so. If you want to say that, then, of course, you have a perfect right to do so, and I presume that is the relevant part of your testimony.

So, let me ask you, sir, whether you have any evidence at all that whoever permitted Private Schine to ride in the cab of that truck did so because of fear of Senator McCarthy's committee or under orders of Senator McCarthy's committee, or whether it was an Army determination?

Captain MILLER. This was the result of an effort or an inadvertency on Private Schine's part to create the impression that he was at Fort Dix other than for basic training. The question was not asked me that way. I was not asked whether this——

Senator MUNDT. I am trying to find out the relevant portions, now, of Private Schine's ride in the cab, whether it grew out of the fact that you had received, or some of your superiors, or some of your lesser officers had received orders from somebody to give Private Schine preferential treatment.

Captain MILLER. No, sir; I would say that that incident grew out of no orders or directions from higher headquarters to give any preferential treatment to Private Schine.

Senator MUNDT. Was it because in your opinion there was a sort of fear on the part of the officers at Fort Dix of the McCarthy committee, so that they were making concessions to Private Schine, according to fear of McCarthy and Carr; is that your honest opinion?

Captain MILLER. My honest opinion on that, sir, is based upon material that I gathered after basic training was completed. I find that there was some reluctance upon the part of the cadre and other trainees to interfere with the activities of Private Schine. Although they had no directions to do this, they did, however——

Senator MUNDT. Would that reluctance come from people over you or under you?

Captain MILLER. From people under me, sir.

Senator MUNDT. Did you order them to demonstrate such reluctance?

Captain MILLER. No, sir; I did not.

Senator MUNDT. Did you have such reluctance yourself?

Captain MILLER. No, sir; I did not.

Senator MUNDT. Did anything channel through you from your superior officers or direct from the McCarthy staff indicating that you should tell your inferiors that they should have a reluctance in dealing with Schine?

Captain MILLER. No, sir.

Senator MUNDT. So if they had a reluctance it was specifically due to the relationship between Schine and the cadre?

Captain MILLER. Yes, sir.

Senator MUNDT. Now, let me ask you this: I am not quite sure of the special favor that you said Private Schine offered to convey at the foot of the bunk one day. You said you had stopped before him and he said, "Captain, if you are ever going to be in Florida, I know a Colonel Bradley"—then my attention was diverted. What did he offer to do?

Captain MILLER. The offer, sir, was if I ever wanted to make a little trip to Florida, Private Schine knew a Colonel Bradley and—at this part of the quotation I cut Private Schine off because it was not the policy for officers to receive favors from trainees.

Senator MUNDT. I think you were quite right in cutting him off. But I wonder if you have in mind what offer he had in mind. Was it that Colonel Bradley had a nice sister he might introduce to you, or that Colonel Bradley might manage a hotel, or that Colonel Bradley might have to be there and he wished you to convey his greetings to him, or what was the favor?

Captain MILLER. I couldn't state what the favor was, because I wasn't interested in finding out what it was.

Senator MUNDT. You are not sure whether he was going to convey a favor or not, because you cut him off, and appropriately so, but you cut him off and he didn't state it; is that right?

Captain MILLER. Yes, sir.

Senator MUNDT. But the favor is something that looms up in your imagination, you assume he was going to ask one, that he might have asked one, I don't know. But it is entirely possible that he might have asked for you to convey his greetings to Colonel Bradley, or that Colonel Bradley knows some places down there where you could go down and get acquainted with some folks or something of that kind. You don't know what he was going to say. He might have said Colonel Bradley owns a hotel, or he was going to let you have a suite of hotel rooms. You don't know.

Captain MILLER. I couldn't draw that hypothesis. Colonel Bradley is at the McGuire Air Force Base. There could be only one connection, and that would be transportation.

Senator MUNDT. Did you know that Colonel Bradley was at the Air Force base?

Captain MILLER. No, sir; I determined that later.

Senator MUNDT. You thought in retrospect that Colonel Bradley would provide transportation to Florida?

Captain MILLER. Yes, sir; so it would have no connection with girls.

Senator MUNDT. O. K. I was trying to find out if you stopped him with the word and, you foreclosed the committee from finding out what he had in mind, at the same time foreclosing yourself. Those are all the questions, I guess.

Senator McClellan?

Senator McCLELLAN. How long had you known Private Schine before he made this suggestion to you about a Florida trip?

Captain MILLER. About an hour, sir.

Senator McCLELLAN. About an hour. Why did you have to advise Private Schine that he was not to ask favors of others under your command?

Captain MILLER. I felt, sir, that the position which Private Schine had with the subcommittee necessitated my handling the matter directly and also the fact that Private Schine would be granted frequent passes. I felt that anything in connection with that should be handled by me personally so that the thing would run smoothly. On the other hand, I was afraid that the cadre might, because of Private Schine's connection with an important committee of our Senate, have some tendency to perform favors, and I didn't want them to do anything of that type and compromise themselves.

Senator McCLELLAN. You were just taking precautions?

Captain MILLER. Yes, sir; I was.

Senator McCLELLAN. Did you have to take such precautions with other privates?

Captain MILLER. I never had another Private Schine, sir.

Senator McCLELLAN. That precaution that you had to take and the instructions you gave were out of the ordinary, in your experience?

Captain MILLER. Yes, sir; they were.

Senator McCLELLAN. You spoke about him advising you that he was down there to study logistics, I believe you said.

Captain MILLER. Yes, sir.

Senator McCLELLAN. And also to reorganize the Army and get it up to modern standards.

Captain MILLER. Yes, sir.

Senator McCLELLAN. Is that correct?

Captain MILLER. Yes, sir.

Senator McCLELLAN. Then you said—first, let me ask you, had you ever given any instructions to him or given him any assignment of such duties as that?

Captain MILLER. No, sir, I had not.

Senator McCLELLAN. Do you know where he got such an assignment?

Captain MILLER. I have no idea, sir.

Senator McCLELLAN. Do you know whether he had any such assignment?

Captain MILLER. No, sir, but there were other indications by Private Schine that he had a purpose at Fort Dix other than basic training, and which was connected with investigation.

Senator McCLELLAN. Would you elaborate on that? Let's see what that is.

Captain MILLER. I will try to, sir.

Senator McCLELLAN. All right.

Captain MILLER. On the 4th of January, Private Schine was sent back to the company from regimental headquarters after it had been directed that he was to perform KP on the following Sunday. At that time my unit administrator had him in his office and discussed disciplinary problems with Private Schine.

Senator McCLELLAN. What disciplinary problems?

Captain MILLER. It was in connection with a pass on New Year's, sir. However, the incident bearing on the question which you asked previously: Private Schine stated to my unit administrator that it would be unwise to put him on K. P. on any more weekends because he would be on pass and would not be present to take such K. P. assignments; and furthermore, that—

Senator McCLELLAN. Was that a violation of your instructions to him?

Captain MILLER. It was approximately a half hour after it was directed that he was to have K. P. for the following weekend.

Senator McCLELLAN. I know, but I thought you had previously instructed him not to take up these matters with others under your command, but to talk to you directly about such things.

Captain MILLER. Yes, sir, that would be another instance.

Senator McCLELLAN. I understand. Was this a violation of the instructions you had given him?

Captain MILLER. Yes, sir.

Senator McCLELLAN. All right. Proceed.

Captain MILLER. Private Schine said that he was working on reports all the time, and submitting them constantly, and while they didn't affect the company to any great extent, he would mention me 2 or 3 times in his reports.

Senator McCLELLAN. Who was he reporting to?

Captain MILLER. I don't know, sir.

Senator McCLELLAN. But he was giving you the impression that he was there for other purposes aside from getting some basic training?

Captain MILLER. Yes, sir.

Senator McCLELLAN. And that he was reporting to some higher authority on the conduct of the Army there at the base?

Captain MILLER. It would seem there would be that logical connection. I had no other previous connection with Private Schine other than through basic training.

Senator McCLELLAN. He did say he would mention you personally 2 or 3 times in his report?

Captain MILLER. Yes, sir, he did.

Senator McCLELLAN. About what? What was he going to mention you about?

Captain MILLER. I don't know, sir.

Senator McCLELLAN. All right. Proceed.

Captain MILLER. On the 19th of November when I oriented Private Schine on the pass policy and instructed Private Schine to sign out each time he went on pass, in the orderly room, in a signout book which was in the public office section of the orderly room, he asked me if that were not a little obvious.

Senator McCLELLAN. A little obvious?

Captain MILLER. I thereupon informed Private Schine that I didn't consider it obvious; that the passes which I discussed with him would be official and communicated to me through channels, and I saw no reason why he should not use the signout book, because that was the proper procedure when a man was going on pass.

On the 5th of November—on the 5th of January, rather I had occasion to deliver a message to Private Schine to make a committee telephone call. At that time I told Private Schine that I had been informed that he was to be transferred to Camp Gordon for basic training, and that as far as I could determine—for further basic training, and that as far as I could determine he was an ordinary trainee and had no purpose at Fort Dix other than basic training.

Private Schine then informed me that at his next assignment, Camp Gordon, he would no doubt be classified as an observer so that he wouldn't have the difficulties he had at Fort Dix.

Senator McCLELLAN. Captain, are you the one who rated him as a soldier?

Captain MILLER. Yes, sir, I am.

Senator McCLELLAN. You gave him a good rating, an excellent rating, I believe, as a soldier?

Captain MILLER. I gave Private Schine a "superior" in training.

Senator McCLELLAN. "Superior" in training. He did make a good soldier?

Captain MILLER. Yes, sir. I felt that in spite of the frequent passes and committee meetings on post, that Private Schine had applied himself well to the training. In fact, during the range firing week, Private Schine fired a score of 204, which was especially good for the winter firing.

Senator McCLELLAN. Captain, I assume you have related now about all the incidents that occurred, have you?

Captain MILLER. Yes, sir, the incidents of the type that you mentioned. Those are the ones which I remember, sir.

Senator McCLELLAN. As you evaluate the incidents, would you say that Private Schine himself sought preferential treatment?

Captain MILLER. The morning when Private Schine attempted to get moved to an earlier firing order was, to my mind, an instance of seeking preferential treatment on his part.

Senator McCLELLAN. Did you have the same problem with other privates during the course of his training?

Captain MILLER. There are other instances where privates make requests to the company commander or to cadremen which do not come to my attention especially.

Senator McCLELLAN. I am trying to get the facts. If there is nothing unusual about this, let's say so.

Captain MILLER. There was something unusual about it, because I had instructed Private Schine not to ask any favors of the cadre.

Senator McCLELLAN. The point I make is, let's be fair to Private Schine. If Private Schine did what the ordinary private might do under the circumstances, let's say so. If it is out of the ordinary, then I think maybe it has some bearing.

Captain MILLER. It was out of the ordinary, sir, because Private Schine was instructed by me not to seek such favors from the cadre, and the cadre, I told Private Schine, were instructed not to grant him any favors.

Senator McCLELLAN. Did you instruct other privates as you did Private Schine?

Captain MILLER. There were not the problems with other privates, sir.

Senator McCLELLAN. Why did you not instruct other privates? Why didn't you give them the same instructions you gave Private Schine?

Captain MILLER. Because there were not similar circumstances connected with their being at Fort Dix, sir.

Senator McCLELLAN. A different set of circumstances developed with respect to Private Schine which necessitated according to your judgment, the giving of the instructions you gave?

Captain MILLER. Yes, sir.

Senator McCLELLAN. Those circumstances did not develop with respect to other privates.

Captain MILLER. No, sir; they did not.

Senator McCLELLAN. That is all.

Senator MUNDT. Senator Symington has suggested that the Chair neglected to have the young man identified who is at your right. Will you tell us who he is? If he is your counsel, his name and so forth.

Captain MILLER. The officer is Lt. George S. Meissner.

Senator MUNDT. Will you spell it, please?

Captain MILLER. M-e-i-s-s-n-e-r. He is my counsel. He is from Fort Dix and knows the details of my testimony, sir.

Senator MUNDT. Thank you.

Senator Potter?

Senator POTTER. Captain Miller, one of the allegations made in the report by Senator McCarthy and Mr. Cohn and Mr. Carr is that Private Schine did not receive preferential treatment but

in fact was in some cases discriminated against because of his former association with this committee. You were his company commander at Fort Dix. You have stated in answer to Senator McClellan's question that Private Schine was treated different from any other privates of your company. Would you say that Private Schine was discriminated against because he was a so-called hot private?

Captain MILLER. No, sir; I would say not. You may possibly construe the fact that I told him to seek no favors from the cadre as such discrimination. However, since Private Schine was to have these frequent passes and it would be necessary for me to make judgment as to when he was to be—how his training was to be conducted during the day in order to make him available, it was necessary for me to handle this personally and I didn't want one of my subordinates taking the responsibility for a decision of this type.

Senator POTTER. But did Private Schine enjoy the same relationships with the sergeants and the platoon leaders as other privates?

Captain MILLER. Yes, sir; he did.

Senator POTTER. Captain, as company commander, you were responsible for giving Private Schine his efficiency rating, is that correct?

Captain MILLER. That is correct, sir.

Senator POTTER. And I believe you stated that he received a superior or excellent rating?

Captain MILLER. A superior in training.

Senator POTTER. Which is the highest rating that a soldier can receive, is that correct?

Captain MILLER. Yes, sir.

Senator POTTER. I also understand from the testimony that was given yesterday, that Private Schine received a fair rating on his character rating, is that correct?

Captain MILLER. Yes, sir, that is correct.

Senator POTTER. Was it your responsibility to give him that, to give Private Schine the character rating?

Captain MILLER. Yes, sir, it was.

Senator POTTER. Can you give the committee the basis for the fair, which is not the best rating that a person can receive for character? Can you give the committee your reasons for that rating?

Captain MILLER. Yes, sir. I can. It was my overall judgment of Private Schine's attitude toward me, and toward Army life and toward discipline while he was at Fort Dix. I must say that it was my judgment and I stand by the judgment. I base it upon the various incidents I had with Private Schine, the attitude Private Schine created in the company, and as a result of his statements and activities, and that is my judgment.

On the basis of this, I must go into an incident concerning New Year's Eve.

Senator POTTER. Please do so.

Captain MILLER. The policy in the company was to grant the trainees a pass on either Christmas or New Year's, but not both. Sometime prior to the Christmas holiday, I had Private Schine in my office and inquired of Private Schine whether or not he would be willing to volunteer to take details during the Christmas holiday so that a maximum of soldiers of the Christian faith could take their passes on Christmas, and the balance receive their passes on New Year's.

Private Schine informed me at that time that he expected to be working on both weekends and that I would no doubt hear about these passes through channels, as I had always done on previous passes. I reminded Schine that I was authorized to give him a pass on only one of the weekends but not both.

I made out the Christmas and New Year's pass list personally, because I felt that it was an item that was important to each soldier in the company. I placed a soldier on either the Christmas or New Year's weekend, on the basis of the details, K. P. and guard duty, which are rostered, and which would accrue to each trainee in the company.

Private Schine, by virtue of the guard roster, was due for guard on New Year's Eve, December 31, and, therefore, I gave Private Schine his pass on Christmas holiday.

But 3 days before the Christmas holidays, I called each of the platoons into a formation and personally informed each trainee what was to be the holiday on which he would receive a pass. When I had Private Schine's platoon before me, I called Private Schine's name and stated that he would have a pass on the Christmas holiday. Upon completing the list of passes for Private Schine's platoon, I informed them that their positions on the pass roster was determined by virtue of the details which they were due to receive on either Christmas or New Year's.

The pass list for Christmas was posted on the bulletin board. Private Schine's name was listed for the Christmas pass. Private Schine went on pass for Christmas.

The New Year's pass list was posted on the bulletin board likewise, during the week preceding the New Year's holiday. Private Schine's name was not listed. Private Schine's name was listed on the guard roster for December 31, 1953.

About 9 o'clock in the morning on December 31, I was in the orderly room on company business, and the first sergeant told me that he had spoken with Private Schine the evening before, and had reminded Private Schine that he was on K. P., or on guard duty, rather, for New Year's Eve. Private Schine told the first sergeant that he had spoken to me about this matter and that he had expected to be on pass that day. The first sergeant reported this to me and I told the first sergeant that Private Schine had not spoken to me about this guard duty detail and that I had not authorized the pass, and I had not been informed by higher headquarters that a pass was due for Private Schine for that day.

I therefore placed a call to Lieutenant Blount, General Ryan's aide, and inquired whether a pass had been authorized for Private Schine for the New Year's weekend. Lieutenant Blount told me that he would inquire of General Ryan and call me back. He called me back and stated that a pass had not been authorized by General Ryan for the New Year's weekend.

I therefore sent to the training area for Private Schine, and since he was not present there, I further inquired and determined that Private Schine had been sent to the photograph laboratory to have an identification photo taken. I found the name of the corporal in charge of the detail and determined that Private Schine had gone to the laboratory, had returned, and was sent into the barracks to get changed into his field clothing in order to go back out to the training area.

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Senator McCarthy.

Senator McCARTHY. A question of the Chair: Does the Chair feel that this testimony is relevant to the issues?

Senator MUNDT. I am waiting patiently to find out when he concludes the statement. The Chair does not know. It may be and it may not be.

Senator McCARTHY. I may say, Mr. Chairman, I think the Chair has the duty to determine whether or not this is relevant to the issues. The claim here is that our committee exercised undue influence on the military. This witness has testified he had no contact directly or indirectly with any part of our committee. He is now recounting events in the private life of David Schine. I am not going to sit here and listen to it. May I say, Mr. Chairman, we have much more important work to do. We should be investigating Communists. There is a great backlog of work. We have about 130 in the defense plants as of this moment. I will go back to my office and will the Chair or someone call me when we get through with this drivel.

Senator MUNDT. The Chair would like to say that he does believe that the testimony about the New Year's pass should be related to whether or not it was secured, if secured at all, at the suggestion of the committee staff. The Chair has said previously we are not investigating errors or mistakes or inaccuracies in Army records. We don't want to investigate Fort Dix.

Senator POTTER. Mr. Chairman, my question was related to the statement made by the Senator and Mr. Cohn and Mr. Carr, that rather than receiving preferential treatment, Private Schine was discriminated against in some areas. I was questioning the captain, as to why, in view of the fact that Schine received an excellent or superior efficiency rating, he received a much lesser rating as far as character was concerned, to determine whether that was a form of discrimination or not. That was the purpose of the question.

Now, I think probably the captain was going into great detail on it.

Senator McCARTHY. Mr. Chairman, I am not objecting to the question of Mr. Potter. We had a rule originally set that before a witness would be called, there would be a résumé of what he will testify given to the Chair. The obvious purpose is to determine whether or not the testimony is relevant. If this one witness wastes an hour or two, that isn't too bad. But I assume that Mr. Welch requested that he be present, and he has undoubtedly requested other witnesses of a like nature to be present and I am not, Mr. Chairman, going to waste my time listening to irrelevant testimony. I think the Chair has an obligation to determine whether it is relevant or not. The witness should not be wasting the time of all these Army officers back here behind him, all the Senators. He is not going to waste my time, Mr. Chairman.

Lieutenant MEISSNER. Mr. Chairman.

Senator MUNDT. The Chair believes the Senator from Wisconsin raises a very valid point and suggests to Senator Potter, rather than listen to this long narrative which is getting pretty long, Captain—

Lieutenant MEISSNER. Mr. Chairman.

Senator MUNDT. We are trying to find out whether or not this is something which eventuated as a result of a committee request.

Senator SYMINGTON. The witness' counsel desires the floor.

Lieutenant MEISSNER. Mr. Chairman, I would merely like to point out in all fairness to the witness—evidently the mike is dead.

Senator MUNDT. I can hear you.

Lieutenant MEISSNER. In all fairness to the witness, I would like to point out that this is the main incident—there were others, but this is the main incident on which the character rating was based, and this is a matter of record, sir. In other words, the character rating is a matter of record, and when a trainee is given a character rating as low as the one given to Private Schine, the company commander must state why such a rating was given. That is the only reason why Captain Miller is relating the events of that incident, sir.

Senator POTTER. Mr. Chairman—

Senator MUNDT. General Ryan testified at considerable length on both the character rating and the superior rating, but, Senator Potter, you may continue.

Senator POTTER. Mr. Chairman, I feel that I have not utilized a great deal of the committee's time in asking questions. I think this is pertinent to the charges that have been made. If Private Schine has been discriminated against, I think the committee should know that. That is the reason I am asking the questions.

If I can have the attention of the committee without any further interruptions I would like to have the captain continue, and if you tell it as quickly as possible I would appreciate it.

Senator JACKSON. Might I also mention to my colleague from Michigan that Mr. Adams testified at some length on this point of the granting of two passes on the Christmas weekend and the New Year's weekend, and that there was also a telegram from Mr. Cohn and some conversation about it. I think it is quite material to this case, because it has been gone into in detail previously.

Mr. COHN. Mr. Chairman, not to prolong this, but on a previous point of order as to relevancy, in response to what Senator Jackson says, if Captain Miller had any contact whatsoever with me, with Mr. Carr, with Senator McCarthy, or any member of our staff, and if the captain thinks we ever asked him for any kind of preferential treatment or anything else, we want him to tell the committee about it.

Senator MUNDT. I presume Senator Potter is heading to that.

Go ahead, Senator.

Senator POTTER. No; I am not. I am going to the part where you claimed that, rather than receiving preferential treatment, Private Schine was discriminated against. I want to find out whether he was discriminated against in this particular case in being given a low character rating when at the same time he has a high efficiency rating as a soldier, which is a little inconsistent.

Mr. COHN. We are not going to take the time of the committee to find out whether the efficiency rating or the character rating is too high or too low.

Senator SYMINGTON. I suggest that the gratuitous remarks with respect to this witness' testimony be eliminated and that the witness be allowed to tell his story as other people have been allowed to tell their story, and to go ahead with the testimony in this case.

Senator MUNDT. The Chair was endeavoring to let Senator Potter continue.

Go ahead, Senator.

Senator POTTER. Captain, I haven't the slightest idea where you left off, but if you can tie it together as quickly as possible, I would appreciate it.

Captain MILLER. After speaking to Lieutenant Blount on the morning of December 31, when Lieutenant Blount informed me that a pass was not authorized for Private Schine, I tried to locate Private Schine, as I previously testified. I could not locate Private Schine. He was nowhere in the company area, where he was supposed to be. As is usual when someone is not in the places he is supposed to be, I had a search conducted for Private Schine in all the buildings in the company area.

When I could not locate Private Schine, I sent someone to the telephone exchange, where Private Schine would be most likely to be if he were not in the company area. Private Schine was not in the telephone exchange.

I therefore determined that Private Schine was at least absent without leave from the company area without permission.

It was then suggested to me by one of the persons present in the orderly room that I check the sign-out book. I then did so. It was 10:45 in the morning, and Private Schine had signed out on pass to New York City as of 11:30 that morning.

Senator POTTER. Without permission?

Captain MILLER. Without permission from me, without authority having been communicated to me through channels, and without my having passed such authority on to Private Schine.

Senator POTTER. When did he return?

Captain MILLER. Private Schine returned on Monday morning.

Senator POTTER. What action was taken by you?

Captain MILLER. Excuse me, sir. He returned at midnight on Sunday.

Senator POTTER. What action was taken by you? What action was taken by you in that case?

Captain MILLER. I reported this matter to my superior officer, sir.

Senator POTTER. What was done about it?

Captain MILLER. I reported the incident to regimental headquarters, and the incident was thereupon reported to General Ryan through his aide, and further in the afternoon about 3 o'clock I am told a telephone call was received from Mr. Cohn requesting that Private Schine be left at home, that he was engaged in committee business and would be working throughout the weekend. Therefore, Private Schine did not return until Monday morning.

Senator POTTER. Was this in violation of the instructions that you had received before that orders were to come down from the top in order for him to be excused for committee business?

Captain MILLER. Of course, sir, if the commanding general decided to give Private Schine authority to be absent for that weekend because a request had been made to him by a member of the committee, it obviously made it possible for Private Schine to be home without my authority.

Senator MUNDT. Your time has expired, Senator.

Senator Jackson.

Senator JACKSON. As I understand, Captain Miller, when a pass was granted through higher authority to Private Schine, specific procedures had been worked out wherein you were to be notified of

such passes that were not within the normal allotment of the trainees in his company.

Captain MILLER. Yes, sir; that is correct.

Senator JACKSON. Is that correct?

Captain MILLER. That is correct, sir.

Senator JACKSON. In this situation which you are referring to in connection with the question put to you by Senator Potter, do I understand that those procedures were violated?

Captain MILLER. Yes, sir; they were.

Senator JACKSON. Will you state specifically wherein they were violated?

Captain MILLER. Private Schine left without having gotten authority from me. He left the company area without authority. He signed out at 11:30 while he had left some time prior to 10:45.

Senator JACKSON. How long had it been since you advised him of those procedures?

Captain MILLER. I advised Private Schine of those procedures on the first day he was in the company, and in my previous testimony I reiterated to Private Schine before the Christmas holiday that authority for passes on both weekends had to be communicated to me through channels before Private Schine was to go.

Senator JACKSON. If I understand it, when this occurred you reported it to your regimental commander or battalion commander.

Captain MILLER. Regimental commander, sir.

Senator JACKSON. Regimental commander. And no courts-martial proceedings were instituted, initiated, or commenced?

Captain MILLER. No, sir.

Senator JACKSON. You mentioned something about the attitude created in the company in response to a question by Senator Potter. What attitude did he create in the company?

Captain MILLER. On the day after the Thanksgiving pass I was getting a haircut at the regimental barbershop, and the barber reported to me that the privates in my company had been discussing Private Schine's frequent passes and the fact that they resented them. I felt that was a significant indication of the way the trainees felt.

At various other times the cadre complained to myself or to the executive officer about Private Schine's frequent passes. However, I didn't consider this of too great importance because Private Schine was being made available for committee work, and I certainly was not a judge of Private Schine's necessity for this work. So therefore we felt that, although this resentment did exist, Private Schine was being made available for important committee work and the passes were justified.

Senator JACKSON. I understand from your testimony that Private Schine made a good soldier insofar as carrying out the training assignments given to him. In other words, I assume he qualified as an expert marksman with the M-1.

Captain MILLER. Yes, sir; not an expert but very close to expert, a very high score for that week of firing.

Senator JACKSON. In any event, I mean as far as carrying out the training part of the specific training assignments, he performed very well?

Captain MILLER. Yes, sir, under the circumstances of his being absent in the evening for committee meetings and doing extra work, he performed admirably.

Senator JACKSON. But the main difficulty, then, that you found with Private Schine was his attitude toward you and the officers and toward his fellow trainees in general? Or how would you summarize that?

Captain MILLER. Yes, sir, that is the way I would summarize it. For instance, on the 30th of November, Lieutenant Gabryelski, my executive officer, was paying Private Schine and broached to Private Schine the morale factor connected with Private Schine's passes, and Private Schine said that his work was much more important than the morale of the company, and I felt that in passing this remark to Lieutenant Gabryelski, the thing got so disturbing in the company that I felt it was an unwise statement.

Again, on the 4th of January, when he was speaking with my unit administrator, the unit administrator again mentioned the morale factor in the company engendered by Private Schine's activities, and the unit administrator mentioned the number of 250 men in the company, and Private Schine said that he wasn't worried about the morale of 250 men, he was worried about the morale of 160 million people.

That sort of comment I didn't consider in good taste.

Senator JACKSON. Captain, did you or your platoon sergeant in his platoon or the platoon leader, the lieutenant, or your executive officer, other than what you just mentioned, receive any complaints about his attitude and any complaints about morale in the company as a result of his being there?

Captain MILLER. I feel under the circumstances, morale was not affected to any great degree, because I had only one a. w. o. l. during the entire training cycle. I had no complaints at all to the regimental chaplains concerning anything that went on in the company, and I consider that an indication of morale.

Senator JACKSON. You heard the testimony yesterday of Lieutenant Blount. Were you here yesterday?

Captain MILLER. Yes, sir; I was.

Senator JACKSON. To what do you attribute Mr. Cohn's alleged remarks to Lieutenant Blount which Lieutenant Blount testified to, by telephone, that you had not treated Schine as he felt he should be and that he was not going to forget your name? What do you attribute that alleged remark—I say "alleged" because it has only been testified to by Lieutenant Blount in connection with a telephone conversation that he received from Roy Cohn?

Captain MILLER. Sir, I could not say.

Senator JACKSON. Was anything done to carry that out that you know of?

Captain MILLER. Would you specify, sir?

Senator JACKSON. Well, I mean did you hear the testimony yesterday in which Lieutenant Blount testified that Mr. Cohn had indicated that he would not forget your name, and, I believe, Colonel Ringler. I assume he is your regimental commander. Maybe there was some other name.

Captain MILLER. I see no connection with the statement.

Senator JACKSON. With the telephone conversation? Nothing has happened? Nothing happened after that alleged conversation as far as you are concerned?

Captain MILLER. No, sir.

Mr. COHN. He was promoted, Senator Jackson.

Senator JACKSON. I was just going to say, he is now a captain.

Captain MILLER. I don't consider that significant. It is another example of a gratuitous remark which doesn't apply to the matter here.

Senator JACKSON. I didn't make the remark, Captain.

Lieutenant MEISSNER. I think in all fairness we should point out that the whole division was promoted from the 9th Division to the 69th.

Senator JACKSON. Captain, I think it is fair to say one who commands a company, under the table of organization, rates the rank of a captain. Is that correct?

Captain MILLER. Yes, sir.

Senator JACKSON. And you were actually doing a captain's job as a first lieutenant for a while? Correct?

Captain MILLER. Yes, sir; that is correct, sir.

Senator JACKSON. When did you enter the Army?

Captain MILLER. I entered the Army first on March 15, 1943, sir.

Senator JACKSON. You have been in continuously since then?

Captain MILLER. No, sir, I have not. I had a period in civilian life, pursuing my education at the University of Pennsylvania. I was recalled to active duty for the Korean war, before completing my work for a degree.

Senator JACKSON. You served in Korea?

Captain MILLER. Yes, sir.

Senator JACKSON. And in World War II?

Captain MILLER. In World War II, in Europe, sir.

Senator JACKSON. Were you a platoon leader?

Captain MILLER. In World War II, I was a combat medic. In Korea, I was a platoon leader in the 9th Infantry Regiment.

Senator JACKSON. That is all.

Senator MUNDT. Senator Dworshak?

Senator McCARTHY. Mr. Chairman, before Senator Dworshak commences, I would like to make a request of the members of this committee, not as members of this subcommittee but as members of the full committee. I have just been talking to Senator Knowland and he tells me that he would like for use to get all of the administration bills out of our committee so they can go on the floor and be disposed of before the final rush of work. It will be impossible, I am afraid, to do that if we wait until these hearings are over.

Therefore, I am calling a meeting of the full committee at 5:30 this afternoon to discuss especially the administration bills, plus the three citations of people with Communist backgrounds to be voted in contempt by the subcommittee.

I know that is an imposition upon the members of this subcommittee, as they work all day. But I think at the rate we are going, unless we hold evening meetings of the full committee, we never can get the important legislation on the floor. I do hope the members of

this committee can be present at 5:30 to attend the meeting of the full committee. I hope it won't last any more than 2 hours at the most.

Senator MUNDT. Senator Dworshak?

Senator DWORSHAK. Mr. Chairman, I somewhat regret that Senator McCarthy took the floor away from me, because I was ready to make an appeal to you as chairman to confer with the counsel of all interested parties to see if it is not possible to expedite these hearings. As I say, this is the 21st day. We are dragging along without making much progress. There are 5 senators tied up at this hearing, 4 members of the committee, and Senator McCarthy, who should be working many hours every day and attending meetings of the Appropriations Committee and the subcommittee.

Some of our subcommittees are marking up, drafting vital and very important legislation. This morning the full Committee on Appropriations is considering a very important bill. Here we are diverted from our regular duties. Soon we will be holding hearings of the full committee on foreign spending, and to consider the military budget for the coming fiscal year. It seems to me that the American people have reached the point where they realize we cannot justify devoting days and weeks and weeks to such a hearing as this which certainly does not match in importance the vital work of our Appropriations Committee and the other work of the Senate.

Likewise, I think we ought to try to release the officials of the Department of the Army so they can get back to work. We have important business to transact today. I think it behooves the members of this subcommittee and the chairman and the counsel to make a sincere and diligent effort to set a target date for terminating these hearings.

Senator MUNDT. The Chair believes we have been doing much better expediting the hearings without talking about expediting them.

Senator DWORSHAK. Mr. Chairman, I have taken very little time and I resent any charge about taking time to talk about expediting these hearings. Day after day I have refrained from taking up the time of witnesses because it seems to me we are dealing with a lot of inconsequential things in calling in witnesses whose testimony doesn't seem to have much bearing on the determination of the dispute which this committee is charged to adjudicate.

Senator MUNDT. The Chair assures his friend from Idaho he is making no charges of any kind, he is simply reporting. We spent 1 whole day talking about expediting the hearings and got no place.

Senator DWORSHAK. I didn't take the whole day.

Senator MUNDT. Very well. I am simply pointing it out. We are making headway. Mr. Welch has asked that this young man be called. He has other witnesses and as soon as the Army's case has been presented, we will go to the other side, which I hope will be some time today.

Senator DWORSHAK. Are we going to take 21 days on the other side to present this case, Mr. Chairman?

Senator MUNDT. I am not a prophet, I cannot tell.

Senator MCCARTHY. Mr. Chairman, may I just say that I agree with Senator Dworshak wholeheartedly. I think he has taken less time, has done as much as any man here to try to get this show off the road, and I want to compliment him for that.

Senator MUNDT. Any questions, Senator Dworshak, or further comments?

Senator DWORSHAK. No.

Senator MUNDT. Very well.

Senator Symington?

Senator SYMINGTON. Mr. Chairman, with respect to the delays, I would like respectfully to point out to my friend, the distinguished Senator from Idaho, that he voted to delay the hearings for a week, and all the Democrats voted to keep the hearings going.

Senator DWORSHAK. Mr. Chairman.

Will the Senator yield?

Senator SYMINGTON. I will always be glad to yield.

Senator DWORSHAK. During that week the members of the subcommittee devoted their efforts to the transaction of very important business.

Senator SYMINGTON. May I ask the Senator if his impression is that we should recess the hearings until the appropriations bills are over and then start?

Senator DWORSHAK. I would suggest that we postpone the hearings until after the Congress adjourns, and then the subcommittee can remain here and continue the hearings.

Senator MUNDT. The Chair again believes if his colleagues will ask questions of the witnesses instead of commenting about expediting the hearings, we will expedite them more quickly.

Senator SYMINGTON. I appreciate the fact that the chairman would like to get the hearings going. I have 10 minutes. I respectfully would like to say the Chair also voted to postpone the hearings over 10,000 minutes a few days ago. Therefore, I would like to ask my colleague from Idaho if he thinks it is fair to spend 21 days hearing one side of the case and then recess or rush through the other side?

Senator DWORSHAK. Certainly I do not. That is why I am trying to get—

Senator MUNDT. This is no place for a political debate. Let's ask questions of the witnesses and have our political debate on the floor of the Senate or on the radio when we pay for our own time.

Senator Symington, please direct your questions to the witness.

Senator SYMINGTON. I would respectfully ask the Chair how much more of my 10 minutes he would like to have, because I would be glad to yield them to him.

Senator MUNDT. Take it all if it is available. We will go to the next witness.

Senator SYMINGTON. I am glad we have the chairman back in the merry mood that we all like.

I would like to ask the witness, did you say that Private Schine was a. w. o. l., on New Year's Eve, Captain Miller?

Captain MILLER. Yes, sir; I did.

Senator SYMINGTON. To whom did you report it?

Captain MILLER. To the adjutant, who reported it to the regimental commander.

Senator SYMINGTON. To whom?

Captain MILLER. To the regimental commander, sir.

Senator SYMINGTON. I am sorry. Senator McClellan was coughing. I didn't hear your answer.

Captain MILLER. I telephoned the adjutant of the regiment, who reported it to the regimental commander, sir.

Senator SYMINGTON. Who is he?

Captain MILLER. Col. Earl L. Ringler, sir.

Senator SYMINGTON. What did he do about it?

Captain MILLER. He caused a report to be made to General Ryan, sir.

Senator SYMINGTON. What did General Ryan do about it?

Captain MILLER. General Ryan stated that Private Schine was to be left home, and that there was a possibility of a misunderstanding which might be adjudicated on Monday morning; that if a member of the committee called for Private Schine for committee business, he would be placed on pass and made available for that work.

Senator SYMINGTON. You say no member of this committee staff got in touch with you. Did you know that they had gotten in touch with your higher authority at Camp Dix at any time?

Captain MILLER. I found this out subsequently, sir.

Senator SYMINGTON. Subsequently to what?

Captain MILLER. To the weekend, sir.

Senator SYMINGTON. While Private Schine was on the base or afterwards?

Captain MILLER. Afterwards, sir.

Senator SYMINGTON. I would like to ask this question: What effect did these passes have, excess passes as against average, on the morale of the platoon or the company that you were in charge of?

Captain MILLER. As I stated, the statistical indications were that there were no material effects on the morale. There was some resentment by the trainees, because I was a private myself for a couple of years, and anything anyone else gets that I don't get as a private, I resent. There was this resentment, and it got to me through rumor and through report.

Senator SYMINGTON. Were most of the people in your company inductees?

Captain MILLER. The trainees are all inductees. They are all new civilian soldiers.

Senator SYMINGTON. What is the average age?

Captain MILLER. The average is about 19 now, sir.

Senator SYMINGTON. Inasmuch as Private Schine was considerably older than the others, wouldn't that normally put him in a position of leadership with respect to the company?

Captain MILLER. Yes, sir; I would expect him to use great care and judgment in the handling of his personal relationships with the other trainees.

Senator SYMINGTON. Wouldn't that maybe justify some of the things which he did which you felt were out of order or improper which you have mentioned?

Captain MILLER. In what way, sir?

Senator SYMINGTON. Didn't the younger men look up to him for leadership?

Captain MILLER. No, sir; I don't believe that that was the case. Private Schine was not a squad leader.

Senator SYMINGTON. No further questions, Mr. Chairman.

Senator MUNDT. Senator Dirksen, you were not here when your turn came. Do you have any questions?

Senator DIRKSEN. I have only one question.

Captain, how do you measure the morale statistically?

Captain MILLER. I take some indication from the a. w. o. l. rate, which among new civilian soldiers is inclined to be higher than is normally considered to be average for finished soldiers, Regular Army soldiers, and soldiers on duty elsewhere than in a training center. The training in basic training is quite arduous and the soldier is most likely to break down during those first few weeks. I had only one a. w. o. l. during that cycle, and that a. w. o. l. with a young man who had been a juvenile delinquent and had spent some time in a reform school. It was known in the platoon that he was a man who was likely to go a. w. o. l., so I didn't consider that indicative of negative morale.

Senator DIRKSEN. So statistically you could discern no impact on the morale of your company?

Captain MILLER. Yes, sir. In addition, especially the reports which come from the chaplain are indicative of the morale. The men are confidential with their chaplains, and the chaplains in turn inform us of indications of poor morale in our company so we can take corrective action.

Senator DIRKSEN. That is all.

Senator MUNDT. Mr. Welch. No, I guess it is Mr. Meissner.

Lieutenant MEISSNER. That is right, sir.

Senator MUNDT. Under rules of procedure, Mr. Meissner you have 10 minutes in which you can interrogate your witness if you care to.

Lieutenant MEISSNER. I have just one question, sir.

Senator MUNDT. You may ask it.

Lieutenant MEISSNER. Just to clarify one point: On the 31st of December, Captain Miller, after you discovered Private Schine's absence, did you take any other action besides reporting it to higher authority?

Captain MILLER. I caused a telegram to be sent which is the normal telegram sent to anyone who has gone a. w. o. l. It must be sent within 24 hours. I caused it to be dispatched to Private Schine directing him to return to his duty station.

Lieutenant MEISSNER. That is all I have, Mr. Chairman.

Senator MUNDT. Mr. Cohn or Senator McCarthy.

Mr. COHN. Captain, did you ever meet Senator McCarthy, Mr. Carr, or myself?

Captain MILLER. I believe I previously testified that I had not, sir.

Mr. COHN. You have never met any of us; is that right, sir?

Captain MILLER. No, sir; I have not.

Mr. COHN. Has any one of us ever asked you for preferential treatment of any kind for Private Schine?

Captain MILLER. No, sir; you have not.

Mr. COHN. I see. I have no further questions.

Senator MCCARTHY. I have.

Senator MUNDT. Senator McCarthy.

Senator MCCARTHY. I have one or two. May I say, Captain, as I sat here for the last hour and a half, first I might say I was thoroughly irritated to see a captain, a company commander, sitting there smearing a private, but then I began to think it over and realized that you must know what happens to even a general who comes in and gives us

all the facts and cooperates like Lawton, a threat to make him, an order now that he can't testify. I would like to ask you a few questions.

You said that Mr. Schine was a. w. o. l. On page 3423 of General Ryan's testimony—

Senator MUNDT. Time out while they are getting the record.

Captain MILLER. What is the reference, sir?

Senator McCARTHY. Ryan is testifying as to a conversation with you; is that correct? Look toward the bottom of the page.

Captain MILLER. Yes, sir. I have located the question.

Senator McCARTHY. Quoting Ryan, he said, "I asked," meaning he asked you; is that correct?

He is referring to what he asked you; is that correct?

Captain MILLER. I believe your question—I don't see the reference in the testimony.

Senator McCARTHY. Let me quote the whole passage. He says, "I asked whether or not Private Schine had a pass, a written pass, and he said, 'Yes, Private Schine had a pass.'"

I have been in the military awhile myself, and I thought when a private got a pass, in conformity with that pass he could not be a. w. o. l. Let me ask you the question, Did Schine have a pass?

Lieutenant MEISSNER. Senator, I believe that—

Senator McCARTHY. I am asking the question of the witness.

Senator MUNDT. The captain is asked the question. You may advise the captain if you care to.

Lieutenant MEISSNER. Mr. Chairman, I believe that question was asked of Lieutenant Blount and not Captain Miller. The captain can explain that, but I just want to point that out.

Senator MUNDT. Captain, you may answer whether the question was asked you or whether it was asked Lieutenant Blount.

Captain MILLER. I can handle the question, all right.

Senator McCARTHY. May I get this straight. This was General Ryan testifying. If the young man—what is your name, again?

Lieutenant MEISSNER. Lieutenant Meissner, sir.

Senator McCARTHY. Lieutenant, if you will refer to page 3423, you will find it was not Lieutenant Blount testifying, but General Ryan.

Lieutenant MEISSNER. I didn't say that Lieutenant Blount was testifying. I merely stated that General Ryan was discussing a conversation he had with Lieutenant Blount and not with Lieutenant Miller.

Senator McCARTHY. I beg your pardon. I think you are right. Let's revise that, Captain. Ryan was apparently talking about a conversation he had with Blount. Who is Blount?

Captain MILLER. He is General Ryan's aide, sir. He testified yesterday.

Senator McCARTHY. And this was following a conversation which Blount had with you, is that correct?

Captain MILLER. That is correct, sir.

Senator McCARTHY. So that Ryan was asking Blount about a conversation which he had with you, and when we find this testimony, "Yes, Schine had a pass," is that correct, just yes or no?

Captain MILLER. I will answer the question yes, and then I will qualify it, sir.

Senator McCARTHY. Don't make the speech too long, will you?

Senator MUNDT. You may qualify it.

Captain MILLER. The question was quite long, sir. I will qualify the answer if I may. Private Schine did have a pass form in his possession, a pass form, that was granted to him on the first day he was in the company. I stated to Private Schine at that time that the pass form was for the purpose of proving to people off post that he was legally on pass and it was not in itself authority to be absent. I stated to Private Schine that this authority would come from higher headquarters, and this authority had not come. The pass was not anything other than a piece of paper in his possession.

Senator McCARTHY. Incidentally, if I heard your testimony correctly as I was reading some material here, you said that you became angry when you were talking to Private Schine and he asked you to lower your voice. Can we now agree that Mr. Cohn does not have a monopoly upon getting angry, that even some people in the Army get angry also?

Captain MILLER. That is correct entirely, sir.

Senator McCARTHY. Just one other question, Lieutenant, or Captain. General Ryan, I believe, testified that there was an Inspector General's investigation of Private Schine's activities as a result of charges made by the New York Post. I assume you are aware of that IG investigation?

Captain MILLER. I am, sir.

Senator McCARTHY. Now, the New York Post had men down at Fort Dix interviewing military personnel, is that right?

Captain MILLER. I can't testify to that, sir.

Senator McCARTHY. Did any of them interview you?

Captain MILLER. No, sir. I refused all interviews because the matter was under investigation by the Inspector General and I didn't feel that it was my place to testify on it.

Senator McCARTHY. Let's get the sequence straight. You said you refused all interviews because the matter was under investigation?

Captain MILLER. I did.

Senator McCARTHY. And General Ryan said the Inspector General's investigation was the result of charges made by the New York Post. Their stories showed they had men down at Fort Dix interviewing—Lieutenant, wait until I get through asking the question—interviewing people on your post. The question is, Did anyone from the New York Post talk to you?

Captain MILLER. No one from the New York Post talked to me.

Senator McCARTHY. Did they talk to people in your command?

Captain MILLER. Yes; they did. Unfortunately, I was on leave.

Senator McCARTHY. Who authorized that particular activity on the part of the New York Post?

Captain MILLER. I cannot say, sir.

Senator McCARTHY. Are you aware of the fact that the man who is now the editor of the New York Post has admitted under oath that he was a top official in the Communist Party? Are you aware of that?

Captain MILLER. I know of no such incident, sir.

Senator McCARTHY. Do you know that Mr. Wechsler, James Wechsler who is now the editor of the New York Post, the paper that sent investigators down to your company apparently had a free run, that he has admitted under oath, No. 1, that he was on the national

committee of Young Communist League, that he organized tours to Moscow? Do you know that that is the man whose reporters came down to Fort Dix and their activities resulted in the Inspector General spending a vast amount of time investigating Private Schine?

Lieutenant MEISSNER. Mr. Chairman, the witness has stated that he was not present at Fort Dix when the New York Post people came down there. So I don't see how it would be material whether he knew of the background of anybody of the New York Post.

Senator MUNDT. I think that is correct. He said he was on leave. I understand you were not at Fort Dix at the time.

Captain MILLER. Further, all the material presented by McCarthy is not an item of which I would have personal knowledge.

Senator McCARTHY. When was your leave, Captain?

Captain MILLER. My leave commenced about the 18th of January and continued through the week, I believe, sir.

Senator McCARTHY. For 1 week?

Captain MILLER. It is a conjecture at this time. I don't know the exact date, sir. It is about that week.

Senator McCARTHY. From the 18th to the 25th?

Captain MILLER. About that, sir.

Senator McCARTHY. I have apparently the first article, I am not sure if it is the first or not, from the New York Daily—from the New York Post, dated January 29. So this was 4 days after you returned, Captain. I am just curious to know how, No. 1, a paper, whose editor has been one of the top officials of the Communist Party, who has been attacking the FBI consistently—

Senator SYMINGTON. Mr. Chairman?

Senator McCARTHY. Let me finish my question.

Senator MUNDT. Senator Symington has a point of order.

Senator SYMINGTON. Based on the testimony that was given this committee there is no justification, in my opinion, for stating that Mr. Wechsler was a top official in the Communist Party.

Senator McCARTHY. Mr. Chairman, could I have the understanding that at least the Senators will not interrupt me half-way through a question? If Mr. Symington wants to act as defense counsel for Mr. Wechsler he can do that when my question is finished.

Mr. Wechsler appeared before our committee, he admitted under cross-examination, Mr. Symington knows it, that he was on the national committee of the Young Communist League, that he organized tours which went to Moscow. He admitted that while he claims to have reformed, that he never went to the FBI to give them any information, except to complain, sometime in 1948, about an investigation that was being conducted of his wife, who also is admittedly a member of the party or the Young Communist League, which is a part of the party. So let's get the facts straight. It is all under oath, all a matter of record. I would like if the Senator from Missouri will allow me to finish my question before he raises a point of order.

Will the reporter read my question where I was when I was interrupted?

(The reporter read from his notes as requested.)

Senator McCARTHY. In view of the interruption, I will start the question over. As I started to say, I have here, Captain, the copy of the New York Post, entitled "The Case of Private Schine," headlined across the top of it, dated January 29. That was after your

leave was over, I understand, and when you were at Fort Dix in charge of the company. Is that correct?

Captain MILLER. That is correct, sir.

Senator McCARTHY. Now, Captain, you may not be able to give me this information, but I am very curious to get your comments on this, if you have any. We have General Ryan testifying the other day that the Inspector General's investigation was a result of articles in this particular sheet. We have the testimony of the editor under oath that he was one of the top officials of the Communist Party, namely that he was on the national committee of the Young Communist League. We have his testimony to the effect that he organized tours to go to Moscow for young people. His paper has consistently attacked the head of the FBI, everyone who has ever dared to expose Communists. I am curious to know how this paper, above all others, apparently, has a free run of your post, and how it is so powerful that they could get an Inspector General's investigation which cost, I am sure, a considerable amount of money. Would you be able to comment on that?

Senator MUNDT. The Senator's time has expired, but the captain may answer the question.

Captain MILLER. I would like to answer the question, sir, if I may. (The witness conferred with his counsel.)

Captain MILLER. I have no personal knowledge of the articles in the New York Post. They were reported to me. I never read them to any extent. I know of the allegations which were presented. Some of them were critical of me. The New York Post reporters did not come to my company by my direction, if any came there at all. It is a custom with newsmen on reporting to a post to go to the public information officer, where they are granted or denied permission to interview people on the post. I understand that on one occasion, the occasion on which I was absent, permission was granted for newsmen to visit the company and interview members of the company. If I were present I would not have given them any information. However, they did interview some members of my company.

I do not know what newspaper they represented, and I know nothing of the activities of Mr. Wechsler.

Senator MUNDT. Counsel, have you any further questions?

Mr. MANER. I believe your counsel stated, Captain Miller, that the principal item on which Private Schine's character rating was based was the New Year's incident; is that correct?

Captain MILLER. Yes, sir.

Mr. MANER. And do you endorse that?

Captain MILLER. Yes, sir; I do.

Mr. MANER. Was any disciplinary action taken against Private Schine by reason of that incident?

Captain MILLER. At the time of the incident, Monday morning Private Schine was to be investigated by Captain Patterson of the regiment. The order stated to investigate the circumstances surrounding the absence—

Mr. MANER. Please, sir, answer my question: Was any disciplinary action taken against Private Schine by reason of that incident?

Captain MILLER. No, sir.

Mr. MANER. Does his service record show that he was absent without leave on that occasion?

Captain MILLER. No, sir; it does not.

Mr. MANER. No further questions.

Senator MUNDT. The Chair has none.

Senator McClellan?

Senator McCLELLAN. No questions.

Senator MUNDT. Senator Dirksen or any of the Senators to my right?

The Senators to my left?

Senator SYMINGTON. I have a question.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. First, I would like to make a statement. It is my understanding that Mr. Wechsler testified before this committee that when he was around 17 or 18 or 19, he was a member of the Young Communist League; that he left that organization when he was young; and that since that time he has been more and more actively against communism. It is my understanding—and I have only seen Mr. Wechsler twice in my life, and I don't read his paper—both times that I saw him was in connection with executive hearings held by this committee. I have never seen the article referred to with respect to the activities of Private Schine.

Captain, questions have been asked you—I would like to ask you a question—

Senator MUNDT. Will the Senator yield a minute to the Chair?

When the point of order was raised, the Chair did not rule upon it for this reason: He was not present at any of the hearings at which Mr. Wechsler testified. He has never read the testimony. He is entirely unable to rule on the point of order concerning testimony about Mr. Wechsler which he has neither heard nor seen nor read.

Senator SYMINGTON. The record will speak for itself.

I would like to ask this question, because I hate to see anybody's life destroyed in the American system. If I am wrong, I will apologize to the junior Senator from Wisconsin, but that is the way I remember the record.

The question that I would like to ask you is: Did you know that former Communists in the last 18 months have also been paid members of the staff of this committee?

Captain MILLER. No, sir; I did not.

Senator SYMINGTON. No further questions, Mr. Chairman.

Senator MUNDT. Mr. Welch?

I beg your pardon. It is Lieutenant Meissner. Do you have any questions?

Lieutenant MEISSNER. I have just two short questions, sir.

Senator MUNDT. Raise your voice a little and go ahead and ask them.

Lieutenant MEISSNER. Captain Miller, will you please relate why Private Schine was given this piece of paper which constituted a pass?

Captain MILLER. I gave Private Schine the pass form on the first day he arrived in the company because I knew that Private Schine was to receive passes at various times during the first 4 weeks, and I felt that to make Private Schine available for committee work as soon as possible, I should place no administrative restriction in the way of making him available.

I usually keep the passes locked up in a safe, and they are available only to myself and the executive officer. I gave Private Schine this pass so in the event a pass——

Senator MUNDT. Just one minute.

To the photographers, it has been so long since you violated the rules and so long since I have reprimanded you, I hope you will keep on sitting down.

Go ahead. The photographers are interfering with the opportunity of the people at the table to hear and see the witness.

Captain MILLER. I felt that since I kept the passes locked up in the safe and since Private Schine would be called at various times for these passes, if I or my executive officer were not present it would not be possible to get Private Schine's pass to him within any reasonable time.

I therefore gave it to him to keep in his possession for that reason, which I stated to him.

The fact that Private Schine was on pass on all or part of 30 of the 59 days he was with my company bears out my reason for giving him the passes in his possession.

Lieutenant MEISSNER. Did that pass, that written piece of paper, constitute authority for him to be absent at any time from his duties?

Captain MILLER. It did not, unless authority was communicated to me through channels and I specifically authorized Private Schine to be absent. Then he would use this pass. If he were accosted by a military policeman or others and asked whether he were legally off the post, he would show this, but it would be indicative of the trust which I placed in Private Schine to show this pass at only such times as he was authorized to be absent.

Lieutenant MEISSNER. My last question is this: Is it unusual for an IG investigation to be commenced when any charges are made by anyone against anyone in the military service?

Captain MILLER. That is not at all unusual.

Lieutenant MEISSNER. That is all I have, sir.

Senator MUNDT. Mr. Cohn or Senator McCarthy, do you have any further questions?

Senator MCCARTHY. Yes. First, Mr. Chairman, I would like to comment about the statement just made by the Senator from Missouri, Senator Symington.

I would like to have your attention, if I may, Senator Symington.

Senator SYMINGTON. You always have my attention, Senator.

Senator MCCARTHY. The Senator has just commented upon the fact that former Communists have worked with this committee. He has tried apparently to put them in the same class with Mr. Wechsler. We have a former Communist sitting behind me, Miss Bentley. She has worked with this committee. She has worked with grand juries. She has worked with the FBI while Mr. Wechsler was attacking the FBI. She and every former Communist who has honestly reformed and who has by their own testimony sent traitors to jail are consistently smeared by the Wechslers who claim to have reformed. I intend always to utilize the services, and generally on a completely free basis, of those individuals who have learned that they made a mistake and have proven it by helping our law-enforcement agencies and grand juries to send Communists to jail.

I may say to the Senator from Missouri I am deeply disturbed when I find, after he came back to this committee apparently for the purpose of helping us dig out Communists, that the only time I hear him raise his voice at this table is when we appear to be hurting those who defended communism. Let me make it clear——

Senator SYMINGTON. Mr. Chairman, I ask——

Senator McCARTHY. Let me finish.

Senator SYMINGTON. I ask the chairman of this committee to consider these remarks from the Senator from Wisconsin as improper and that you tell him, Mr. Chairman—you are supposed, as I understand——

Senator McCARTHY. I intend to finish my statement regardless of what the Senator may say.

Senator SYMINGTON. I ask you if you will tell the Senator from Wisconsin that his remarks with respect to me personally, and my efforts on the committee, have little to do with this hearing and are out of order in this hearing.

Senator McCARTHY. May I proceed, Mr. Chairman?

Senator MUNDT. Let the Chair comment on the point of order, first. The Chair stated earlier today that he considers a great deal of the colloquy taking place between his colleagues at this table as being irrelevant and improper and certainly not conducive to expediting the hearing. He suggests that we do not engage in political discussion. He suggests we do not engage in attacks upon each other.

In all fairness, it seems to me Senator McCarthy is entitled to say something in response to the charge that the Chair believes he heard the Senator from Missouri make that he was employing Communists on his committee. I think the whole discussion is out of order, but unhappily, though the Chair wishes he had the authority of a judge in this proceeding, he has only the authority of a chairman of a congressional committee in the United States Senate, where people are accustomed to engaging in freedom of debate. But he would like to plead that we get back on the beam, that we get back on the issues, that we interrogate this young man and get on to the next witness.

He will respectfully ask of the Senator from Wisconsin if he has had an opportunity now to reply to what I thought was an attack made upon him and his committee by Senator Symington.

Senator SYMINGTON. Mr. Chairman, I make a point of order on that. I did not make any attack on this committee. I stated a fact, and the fact that I stated was that a man told me, in front of Senator McCarthy, a member of this staff, that he was being paid by this committee and that he was formerly a member of the Communist Party. And that is all I said. I stated a fact. As to whether a Communist is reformed or whether he is not reformed, I believe from the bottom of my heart that God will decide with respect to his true reformation and no mortal man.

Senator MUNDT. The Chair is not in a position to adjudicate differences existing between the members of this committee. The Chair knows nothing about the background of any member of this committee who may or may not have been a Communist. He doesn't think this is the appropriate forum in which to explore that fact. Having had the issue raised by the Senator from Missouri, I think certainly that he will agree that the Senator from Wisconsin has some right to explain whether or not he considers that to be an accurate statement.

Senator SYMINGTON. I ask the chairman of this committee to withdraw the statement that I attacked the committee.

Senator MUNDT. I will withdraw that. You attacked Senator McCarthy.

Senator SYMINGTON. I ask the chairman to withdraw the statement that I attacked Senator McCarthy, because the record will prove that to be not correct.

Senator MUNDT. Very well. I will withdraw any statement that I made, but the Chair believes that your statement about Senator McCarthy employing former Communists—

Senator SYMINGTON. I stated it as a fact. I did not criticize the fact. I thank the Chair for his graciousness.

Senator MUNDT. Now, Senator, can we go on with your questioning? If we can ever get an altercation like this in a state of equilibrium, the Chair hopes it has been equilibrated now, and maybe we can continue.

Senator McCARTHY. I would like to ask the Chair a question if I may. I note he has the gavel poised most of the time. Can we have an understanding for the rest of the time that Senators will not butt in and interrupt halfway through a question? Let's have an agreement that we can have the question finished. I think that is common courtesy.

Senator SYMINGTON. Mr. Chairman, I agree with the Senator from Wisconsin. I think I was perhaps a little impetuous, and I assure him I will do my best in the future to follow his suggestion.

Senator MUNDT. The Chair hopes that all of us can conform to that admonition, including the man who made it, so we can make it unanimous. Senator McCarthy?

Senator McCARTHY. Captain, you have counsel to your right; is that right?

Captain MILLER. Yes, sir.

Senator McCARTHY. And another counsel behind you, Mr. St. Clair?

Captain MILLER. I have counsel for the Army, and I am a part of the Army, and they represent me as well as Lieutenant Meissner.

Senator McCARTHY. You consider that a perfectly proper situation. Any man testifying should have counsel, shouldn't he?

Captain MILLER. Naturally, sir.

Senator McCARTHY. Now, can you tell me whether or not, when Mr. Schine, a private in the Army, was called in as a result of those charges originated by a paper whose editor at least had been a top member of the party, whether or not Mr. Schine was allowed counsel or not?

Captain MILLER. I know, because I was told, and I can state the facts in that, if you wish, sir.

Senator McCARTHY. Was he or was he not allowed counsel, yes or no?

Captain MILLER. I will say "No he was not," and then I will qualify it, if I may, sir.

Senator McCARTHY. You may qualify it.

Captain MILLER. In an Inspector General's investigation, persons being asked questions are being asked questions merely for the sake of ascertaining facts, and counsel has never been allowed for persons in Inspector General investigations. I happen to have been included

among the persons questioned since the charges were made and since Colonel Fogarty commenced the investigation sometime in January, and have constantly testified without counsel. And I didn't consider this in any way irregular.

I merely was giving Colonel Fogarty facts with which to make recommendations to the commanding general, and the fact that a counsel was denied in that instance by regulation was satisfactory to me.

Senator McCARTHY. Try and stick to the answer?

Captain MILLER. I am sticking to the answer.

Senator McCARTHY. I will ask you a simple question. Was Schine denied counsel when he was interrogated in regard to these charges?

Captain MILLER. Yes, sir.

Senator McCARTHY. Charges originated by a Communist sheet?

Captain MILLER. I can't—

Senator McCARTHY. Was he denied counsel?

Captain MILLER. That is the only question, was he denied counsel?

Senator McCARTHY. Yes.

Captain MILLER. Yes, he was.

Senator McCARTHY. Did he tell you he wanted counsel present?

Captain MILLER. I was not present. Private Schine was at Camp Gordon when he was interrogated, sir.

Senator McCARTHY. Do you know that he requested the right to have his own lawyer present?

Captain MILLER. I know that through hearsay, sir.

Senator McCARTHY. Do you know he was denied that right?

Captain MILLER. I believe—

Senator McCARTHY. Yes, or no.

Captain MILLER. I will state, sir, the choice of the word "believe" was improper. I will state that to my knowledge, Private Schine had requested counsel and was not interrogated by Colonel Fogarty at that time because he had been out training all night the night before—

Senator McCARTHY. Don't give me a speech, Captain. I just asked you a simple question. Did Schine ask to have a lawyer of his own choosing, whom he would hire personally, and pay, have him present at the time there was being investigated the charges initiated by a Communist sheet? Was he denied counsel or not? I don't need a speech on that.

Captain MILLER. I would have to qualify that, sir, because I know that Private Schine was given the opportunity to consult with counsel and he had the allegations before him, before he was questioned by the IG, which was not true of myself.

Senator McCARTHY. The question is, Captain—there is no reason why you can't just tell us the truth in this instance—

Captain MILLER. Sir, I am going to tell the truth.

Senator McCARTHY. Was he denied the right of having counsel present: "Yes" or "no"?

Captain MILLER. He was.

Senator McCARTHY. Do you know that he was also instructed not to tell anyone, including the chairman of this committee, what the charges against him were? Do you know that?

Captain MILLER. I believe that all persons giving testimony are instructed not to tell—not to give any of their testimony to other persons until the completion of the investigation and findings are in. That would be true, sir.

Senator McCARTHY. Would you answer the question: Do you know that——

Senator MUNDT. At the end he said that would be true, sir.

Senator McCARTHY. Do you know that Schine was instructed not to tell anyone, including the chairman of this committee, myself, what the charges against him were, that he was specifically instructed not to tell anyone on my staff or tell me what the charges against him were? Do you know that?

Captain MILLER. Yes, sir; Private Schine, as well as I, and the rest——

Senator McCARTHY. All right.

Captain MILLER. If I may, I will qualify——

Lieutenant MEISSNER. Mr. Chairman?

Senator MUNDT. He has a right to qualify his answer, having started by saying "Yes." You may finish your statement.

Lieutenant MEISSNER. Mr. Chairman, the witness testified that he was not present at the time when Private Schine was interrogated by the IG, and all of these questions, of course, are hearsay, and things that the captain picked up from other people. I just want to point that out.

Senator MUNDT. The captain has a right to make that clear.

Captain MILLER. I believe I made that clear to Senator McCarthy when I commenced answering the questions. The answers were accepted on that basis.

Senator McCARTHY. Let me ask you this. Maybe you can shed some light on this, Captain. In view of the fact that Private Schine was instructed by the inspector general, and I am not questioning the wisdom of that order, maybe it is wise and maybe it is unwise, we won't determine that today, but in view of the fact that he was instructed not to tell anyone what the charges were, he was told he couldn't have a lawyer present, told he couldn't tell the chairman of this committee what the charges against him were, could you perhaps tell me how we had to go to this New York Post, run by a man who admittedly was a high Communist at one time, to find out what the charges were? In other words, how did they get them?

Captain MILLER. The charges, I believe, were first printed in the New York Post.

Senator McCARTHY. That is right.

Captain MILLER. And the charges were available on a public basis. I believe that Private Schine was provided, as well as I, with a copy of the allegations of the New York Post.

Senator MUNDT. The Senator's time has expired.

Counsel?

The Chair has none. Do any of the Senators to my left have any? To my right?

Lieutenant, do you have any further questions?

Lieutenant MEISSNER. Yes, sir.

Captain MILLER, did you have counsel at the IG investigation?

Captain MILLER. I did not.

Lieutenant MEISSNER. Were you offered the right to have counsel at the IG investigation?

Captain MILLER. I was not. I inquired on the basis I was not familiar with the regulations. It was shown to me that counsel was neither allowed nor required for such an investigation.

Lieutenant MEISSNER. Are the witnesses acquainted with their rights under the 31st article of the Uniform Code of Military Justice as well as the fifth amendment of the United States Constitution before they are asked any questions by the inspector general?

Captain MILLER. Yes. In all cases of investigation within the Army, article 31, which is based upon the fifth amendment, is read to each person interrogated in any investigation.

Lieutenant MEISSNER. Were you told by the IG not to discuss your testimony with anyone else?

Captain MILLER. I was instructed not to disclose the subject of my testimony to anyone else, the content of the testimony, because it was confidential material.

Lieutenant MEISSNER. Do you know whether or not the IG investigation was a result of the charges made by the newspapers, or vice versa?

Captain MILLER. I have been told that that is the fact.

Senator MUNDT. Which is the fact, the newspapers or vice versa?

Captain MILLER. That the investigation, sir, was started as a result of the newspaper allegations.

Senator MUNDT. Thank you.

Lieutenant MEISSNER. Then that is how the newspapers would know of the allegations, is that correct?

Captain MILLER. That is correct, sir.

Lieutenant MEISSNER. That is all I have, sir.

Senator MUNDT. Mr. Cohn or Senator McCarthy?

Senator MCCARTHY. It seems that we have spent 2 hours now on something that is completely irrelevant to this case. Maybe we should spend a few more minutes and let the public know exactly what some of the charges were.

One of the charges—first, may I ask you this: You said that Private Schine was furnished a copy of the charges?

Captain MILLER. I believe that is true, sir.

Senator MCCARTHY. You were told you could not make those available to anyone, that those were secret?

Captain MILLER. I don't believe the charges were secret from anyone, sir. They were printed in the New York Post.

Senator MCCARTHY. Before they were printed, I assume you gave him the charges. You didn't hand him a copy of the New York Post. I assume you handed him the charges in some typewritten form.

Captain MILLER. I handed Private Schine nothing. I was not a part of the investigation being conducted. The charges were printed, I believe, in the New York Post after—or before the investigation commenced. The investigation was a result of articles appearing in the New York Post which were adverse to the reputation of Fort Dix.

Senator MCCARTHY. Could you give me some idea of how much time and money was spent on one of the allegations? I may say I have asked for the allegations and have been denied them. Much as I dislike it, I had to spend a nickel for this Communist sheet to get them. How much time and money was spent by the IG in determining the question of whether or not, I quote, "Schine had his shoes commercially polished?"

Captain MILLER. I know nothing of the amount of money being spent in the IG investigation. That is not a subject on which I can comment.

Senator McCARTHY. Do you know how much time and money was spent on allegation No. 16, namely, that he had boots with buckles on the side? I might point out that I understand that they did not have shoes that would fit Dave. He has about a size 13 foot, so he had to buy them downtown. How much time did it take to determine whether or not the buckles were on the side or not?

Captain MILLER. Again I will say that I cannot say how much money was spent on such an investigation. I do know of the incident itself.

Senator McCARTHY. Let me ask you one other question, then: Do you know how much time and money was spent to determine whether or not Dave on the range one day complained that the weather was rather cold? Do you know how much time and money was spent on that?

Captain MILLER. No, sir; I do not.

Senator McCARTHY. No further questions, Mr. Chairman.

Senator MUNDT. Mr. Cohn, any questions?

Any of the counsel any questions?

Are you satisfied, Lieutenant Meissner?

You are dismissed, Captain Miller.

It now being something after 12, we having a 1:30 meeting scheduled in room 357, an executive meeting, we stand in recess until 2 o'clock.

(Whereupon, at 12:15 p. m. the committee was recessed, to reconvene at 2 p. m. the same day.)

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